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10/824,863	04/15/2004	Christian Riedl	P04,0099	7106

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EXAMINER	
VO, QUANG N	
ART UNIT	**PAPER NUMBER**
2625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,863	RIEDL, CHRISTIAN	
	Examiner	Art Unit	
	QUANG N. VO	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) *5-8,25-28 and 32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,9-24 and 29-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/31/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's election of claims 1-4, 9-24, 29-30 in the reply filed on 2/13/08 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

In the remarks, Applicant withdrew claims 6-8, 25-28, and **31, but claim 32 is withdrawn in claims section not claim 31.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 9-24, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (Williams) (US 5,951,008).

With regard to claim 1, Williams discloses a method to offset stack pages (e.g., the present invention provides new offsetting paper stacking devices, column 1, lines 28-30) of successive print or copy jobs that are supplied to a page output unit as a page stream (e.g., stacks sheets of paper that are fed into input end of the device; the device may also be used for other applications where it is desirable to easily and efficiently separate sheets of paper, column 1, lines 31-42), comprising the steps of: offset

stacking the pages of a successive second job over the pages of a preceding first job (e.g., the offset paper stack14 is a pile of previously stacked books or groups of sheets of paper 16 under the offsetting paper stacker 10, column 2, lines 2-4); spatially offsetting the pages of the successive second job with respect to the pages of the preceding first job (e.g., each adjacent group of sheets of paper 16 is offset from each other by offset 18, column 1, line 63 – column 2, line 9);

Williams differs from claim 1 in that he does not teach mechanically fixing an uppermost page to a first page stack after offset stacking of the first job.

Since Williams discloses functionality for holding the uppermost sheet of the previous sheets/book before stacking a next sheets/book (e.g., when the stacker wheels 24 switch direction to start stacking a new book 16, the top sheet of paper 12 of the previous book 16 is held in place with static friction between itself and the sheet of paper 12 underneath the top sheet and between itself and the vertical flat surface 36 of the backstop 32 (column 3, lines 34-39), it would have been obvious to one of ordinary skill in the art at the time of the invention to have recognized Williams having mechanically fixing an uppermost page to a first page stack after offset stacking of the first job, or at least obvious to provide functional part for performing mechanically fixing an uppermost page to a first page stack after offset stacking of the first job.

With regard to claim 2, Williams discloses step of fixing ensues in a region of the uppermost page that is not covered by pages of the second job due to the spatial displacement of the pages of the second job relative to the first job (e.g., the top sheet

of paper 12 of the previous book 16 is held in place with static friction between itself and the sheet of of paper underneath the top sheet and between itself and the vertical flat surface of the backstop, column 3, lines 36-39).

With regard to claim 3, Williams discloses step of fixing uses pressure on the uppermost page (e.g., the solenoid 44 actuates to rotate the shaft 42 and the paper tappers 34 into contact with the top sheet of paper 12 (using pressure on the page) come to rest against the vertical flat surface, column 4, lines 2-8).

With regard to claim 4, Williams discloses wherein the pressure is mechanically exerted (column 4, line 2-8).

With regard to claim 9, Williams discloses offset stacking ensues in an output device of a printer or copy device (column 1, lines 39-42).

With regard to claim 10, William discloses wherein step of offset stacking is carried out in a page acceptance region that is bordered by two stoppers disposed at right angles to one another (e.g., the backstop 32 has a vertical flat surface 36 which stops the sheets of paper 12 at their final position, column 2, lines 38-42; e.g., paper feeding section which guides the sheet 12 to the stacker wheels 24, column 3, lines 1-3), said two stoppers including a front wall lying on a common axis and a side wall arranged at a right angle thereto, and further comprising the steps of: laterally displacing the pages along a common axis (e.g., figure 1); using a first paddlewheel (e.g., a drive wheel 22, figure 1) for said offset stacking of the first pages of the first job, said first paddlewheel being provided in a region of the first stopper to advance the first pages

with their comers into the right angle of the first stopper (e.g., each paper stacker 20 includes a drive wheel, column 2, lines 10-20); using a second paddlewheel for the offset stacking of the second pages of the second job, said second paddlewheel being provided in a region of the second stopper to advance the second pages with their comers into the right angle of the second stopper; and performing said step of mechanical fixing in the region of a stopper (column 2, lines 10-37).

With regard to claim 11, Williams discloses further comprising the steps of: shifting one of said first and second paddlewheels and a device to mechanically fix the pages along an axle for a format change-over of the pages (column 3, lines 34-43).

With regard to claim 12, Williams discloses paddlewheels and said device to mechanically fix the pages are mechanically and rigidly connected with one another (e.g., the stacker wheels are mounted to the framework 54 which can pivot vertically and allow stacker wheels 24 to maintain a constant force on the offset paper stack, column 3, lines 39-43).

With regard to claim 13, Williams discloses further comprising the step of: mechanically fixing an uppermost page of a second page stack to the second page stack after offset stacking of the second job and while a subsequently third job is offset stacked without displacement with regard to the first page stack (column 3, lines 18-43).

With regard to claim 14, Williams discloses wherein step of mechanically fixing of the uppermost page of the second page stack ensues in a region of the uppermost page that is not covered by pages of the third job due to spatial displacement of said

second page stack from said third job (e.g., the top sheet of paper 12 of the previous book 16 is held in place with static friction between itself and the sheet of of paper underneath the top sheet and between itself and the vertical flat surface of the backstop, column 3, lines 36-39).

With regard to claim 15, Williams discloses further comprising the step of: raising a fixing device for an uppermost page of a preceding job again after offset stacking of a plurality of pages of a further subsequent job (column 3, lines 39-43).

With regard to claim 16, Williams discloses wherein the job is a print job (column 1, lines 10-11).

With regard to claim 17, Williams discloses wherein the job is a copy job (column 1, lines 14-18).

With regard to claim 18, Williams differs from claim 18 in that he does not discloses wherein fixing of the uppermost page performed with negative pressure, and a device to fix the uppermost page includes a valve that is opened and closed under control of a vertical position of the device for fixing.

Since Williams discloses the top sheet of bundle/book is held in place (fixing of the uppermost page) when the stacker wheels 24 switch direction to start stacking a new bundle.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have recognized Williams having similar functionality for fixing of the

uppermost page before starting with new bundle/book, or at least obvious to provide functional part for performing mechanically fixing an uppermost page for offset stacking.

With regard to claim 19, Williams discloses controlling the vertical position of the device to fix via a control shaft with the vertical position of a paddlewheel to offset stack the print or copy job (column 3, lines 39-43).

Referring to claim 20:

Claim 20 is the device claim corresponding to method step in claim 1 with functional steps corresponding directly to the method step elements in claim 1. Therefore claim 20 is rejected as set forth above for claim 1.

Referring to claim 21:

Claim 21 is the apparatus claim corresponding to method step in claim 2 with functional steps corresponding directly to the method step elements in claim 2. Therefore claim 21 is rejected as set forth above for claim 2.

Referring to claim 22:

Claim 22 is the apparatus claim corresponding to method step in claim 3 with functional steps corresponding directly to the method step elements in claim 22. Therefore claim 6 is rejected as set forth above for claim 3.

Referring to claim 23:

Claim 23 is the apparatus claim corresponding to method step in claim 4 with functional steps corresponding directly to the method step elements in claim 4. Therefore claim 23 is rejected as set forth above for claim 4.

With regard to claim 24, Williams discloses wherein the pressure is exerted with elastic force (e.g., the stacker wheels 24 can pivot vertically and allow the stacker wheels 24 to maintain a constant force on the offset paper stack 14, column 3, lines 39-43).

Referring to claim 29:

Claim 29 is the apparatus claim corresponding to method step in claim 10 with functional steps corresponding directly to the method step elements in claim 10. Therefore claim 29 is rejected as set forth above for claim 10.

Referring to claim 30:

Claim 30 is the apparatus claim corresponding to method step in claim 11 with functional steps corresponding directly to the method step elements in claim 11. Therefore claim 30 is rejected as set forth above for claim 11.

Referring to claim 31:

Claim 31 is the apparatus claim corresponding to method step in claim 12 with functional steps corresponding directly to the method step elements in claim 12. Therefore claim 31 is rejected as set forth above for claim 12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUANG N. VO whose telephone number is (571)270-1121. The examiner can normally be reached on 7:30AM-5:00PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on 5712727440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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